



TR.C.M.P.(MD) Nos.139 and 201 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM:

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

TR.C.M.P.(MD) Nos.139 and 201 of 2023
and
C.M.P(MD) Nos.3227 and 4353 of 2023

TR.C.M.P.(MD) No.139 of 2023

Raja Rathna

... Petitioner

Vs.

A.Lawrance Raj

... Respondent

Prayer :- Petition filed under Section 24 of the Code of Civil Procedure, to withdraw I.D.O.P.No.367 of 2022 on the file of the Principal District and Sessions Judge, Tiruvallur and transfer the same to the file of Principal District Court, Thoothukudi.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.N.Marimuthu



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TR.C.M.P.(MD) No.139 of 2023

A.Lawrance Raj

... Petitioner

Vs.

Raja Rathna

... Respondent

Prayer :- Petition filed under Section 24 of the Code of Civil Procedure, to withdraw I.D.O.P.No.31 of 2023 on the file of the Principal District Court, Thoothukudi District and transfer the same to the Principal District & Sessions Court, Tiruvallur District, to be tried along with I.D.O.P.No.367 of 2022.

For Petitioner : Mr.N.Marimuthu

For Respondent : Mr.R.J.Karthick

COMMON ORDER

TR.C.M.P(MD)No.139 of 2023 is filed seeking to withdraw I.D.O.P.No.367 of 2022 on the file of the Principal District and Sessions Judge, Tiruvallur and transfer the same to the file of Principal District Court, Thoothukudi. TR.C.M.P(MD)No.201 of 2023 is filed seeking to



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withdraw D.O.P.No.31 of 2023 on the file of the Principal District Court, Thoothukudi District and transfer the same to the Principal District & Sessions Court, Tiruvallur District, to be tried along with I.D.O.P.No.367 of 2022.

2. Since both the transfer civil miscellaneous petitions are being disposed by this common order, the parties are referred to as "husband and wife" for the sake of convenience.

3. The learned counsel appearing for the wife would submit that the marriage between the petitioner and the respondent has been solemnized on 25.05.2022 as per Christian Rites and Customs. After marriage, the petitioner has been subjected to physical as well as mental torture at the hands of the respondent/husband and his family members and that she has been sent out of her matrimonial home. Thereafter, the respondent has filed I.D.O.P.No.367 of 2022 on the file of the Principal District and Sessions Judge at Tiruvallur for restitution of conjugal rights. Meanwhile, the petitioner has filed a petition in D.O.P.No.31



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of 2023 on the file of the Principal District Court, Thoothukudi, for divorce. He would further submit that in order to prosecute the proceedings at Tiruvallur, she may have to travel from Thoothukudi to Tiruvallur, which not only involves travel, but also requires the petitioner taking along with her another person. Being a lady, she cannot travel alone. Further, her parents are suffering from age old ailments and they are not in a position to accompany her to attend the hearing. It is in these circumstances the present transfer petition has been filed.

4. The learned counsel for the husband would submit that the petitioner left the matrimonial home voluntarily and thereafter she never turned back. He would further submit that it is not possible for the respondent to go to Thoothukudi, which is 600 Kms away from Chennai. The respondent's parents are senior citizens and having ailments. Moreover, if the case is transferred to Thoothukudi, it would cause great prejudice and hardship to the respondent. The learned counsel would further submit that if the cases are transferred to some other neutral location, it will be convenient for both the husband and wife.



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5.Heard on both sides and records perused

6. Taking into consideration the contention of the learned counsel for the husband that if the cases are transferred to some other neutral location, it will be convenient for both parties, the petition in IDOP No. 367 of 2022 pending on the file of the Principal District Sessions Court, Thiruvallur and the petition in D.O.P.No.31 of 2023 on the file of the Principal District Court, Thoothukudi District, are ordered to be withdrawn and transferred to the file of the District Court, Madurai. The learned Principal District Sessions Judge, Thiruvallur and the learned Principal District Judge, Thoothukudi District, are directed to transmit the entire records pertaining to the cases in IDOP No.367 of 2022 and D.O.P.No.31 of 2023 to the transferee Court, within a week from the date of receipt of a copy of this order. The learned District Judge, Madurai, is directed to dispose of both cases in IDOP No.367 of 2022 and DOP No. 31 of 2023 on merits and in accordance with law within a period of four months from the date of receipt of the records.



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7. With the above directions, these Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected miscellaneous are closed.

17.08.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Principal District and Sessions Judge,
Tiruvallur.

2.The Principal District Judge,
Thoothukudi.



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K.GOVINDARAJAN THILAKAVADI, J.

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